

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE,

Plaintiff,

v.

**ST. JOSEPH’S UNIVERSITY, et al.,
Defendants.**

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Civ. No. 18-2044

ORDER

AND NOW, this 5th day of September, 2018, upon consideration of Defendant St. Joseph’s University’s Letter Request (Ex. A) for Additional Discovery Related Solely to Plaintiff’s Damages Claims, it is hereby **ORDERED** that Defendant’s Letter Request (Ex. A) is **DENIED without prejudice**. Defendant may renew its Request after dispositive motions are decided.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.



MONTGOMERY McCRACKEN

ATTORNEYS AT LAW

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September 5, 2018

VIA E-MAIL

The Honorable Paul S. Diamond
United States Courthouse
601 Market Street
Room 14614
Philadelphia, PA 19106-1743

**Re: John Doe v. Saint Joseph's University and Jane Roe
United States District Court
for the Eastern District of Pennsylvania
Civil Action No. 18-cv-2044**

Dear Judge Diamond:

We write to you under your instruction to raise discovery issues by letter.

With all due respect to your most recent order, we ask for additional discovery, related solely to Doe's damage claims, which now include enhanced claims of emotional and academic distress. He has now clearly put his own mental health at issue and, unlike defendant Roe, has therefore waived his right to the privacy of these records. The simple discovery requests are attached to this letter.

In addition, we wish to depose Doe's "expert," Dr. Sing, whose report we received after your order of 8.23.18.

The discovery proposed will not set back your schedule for Summary Judgment motions, as it relates to damages only, and not liability. It will advance the matter for trial, and would be abundantly fair, given that the enhanced damage claims followed after discovery was closed.

MONTGOMERY McCRACKEN WALKER & RHOADS LLP
PENNSYLVANIA • NEW YORK • NEW JERSEY • DELAWARE

A PENNSYLVANIA LIMITED LIABILITY PARTNERSHIP
JOHN J. LEVY, NEW JERSEY RESPONSIBLE PARTNER

Montgomery McCracken Walker & Rhoads LLP

The Honorable Paul S. Diamond
September 5, 2018
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Thank you for your consideration.

Respectfully,



John M. Myers
Albert L. Piccerilli

cc: Edward Schwabenland, Esquire (via e-mail)
John Mirabella, Esq. (via e-mail)
Susan Engle, Esquire (via e-mail)

**UNITED STATES DISTRICT COURT
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CIVIL ACTION NO.
18-cv-2044

**SJU's REQUEST FOR PRODUCTION OF DOCUMENTS
RELATING TO DAMAGES
DIRECTED TO PLAINTIFF JOHN DOE**

Pursuant to Federal Rule of Civil Procedure 34, SJU demands that Plaintiff respond to the following request for production of documents, electronically stored information ("ESI") and other tangible things, and to produce the requested documents, ESI and other tangible things to the attorneys for SJU, regardless of whether they exist in hard copy or constitute ESI. The requested documents, ESI, and other tangible things shall be produced to the attorneys for SJU no later than Wednesday, September 12, 2018. The documents, ESI and other tangible things may be produced to the attorneys for SJU either electronically or via hand delivery to the law offices of Montgomery McCracken Walker and Rhoads LLP, 1735 Market Street, Philadelphia, PA 19103, or by such other method of delivery as may be mutually agreed.

Documents and ESI shall include, but shall not be limited to, writings (including text messages and e-mails), drawings, graphs, charts, photographs, sound recordings (including voicemail messages), images, and other data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by Plaintiff into a reasonably usual form.

The following documents, ESI and other tangible things are hereby demanded:

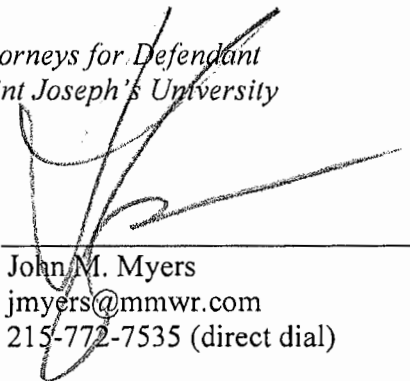
1. All school records, including disciplinary records, from all middle schools and high schools that Plaintiff has ever attended.
2. All mental health records from every mental health professional with whom Plaintiff has consulted or been treated within the last 5 years.

MONTGOMERY McCracken
WALKER & RHOADS LLP
1735 Market Street
Philadelphia, PA 19103
215-772-1500

*Attorneys for Defendant
Saint Joseph's University*

Dated: September 5, 2018

By


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**SJU's DAMAGES
INTERROGATORIES DIRECTED TO JOHN DOE**

Pursuant to Federal Rule of Civil Procedure 33, defendant SAINT JOSEPH'S SJU demands that JOHN DOE ("Plaintiff") answer the following interrogatories, under oath, no later than Wednesday, September 12, 2018.

1. Identify each and every school middle school and high school that Plaintiff has ever attended. Please include with your answer:

- a. The name and address of the school;
- b. The inclusive dates of Plaintiff's attendance at the school;
- c. A description of any disciplinary action that Plaintiff was subjected to at the school, the reason for the disciplinary action, and any sanctions imposed as a result of the disciplinary action.

2. Identify every mental health professional with whom Plaintiff has ever consulted or treated. Please include with your answer:

- a. The name and address of each such mental health professional;
- b. The inclusive dates of Plaintiff's consultations and/or treatment with each such mental health professional.

c. Identify every mental health evaluation in your present possession, and provide copies of same.

MONTGOMERY McCracken
WALKER & RHOADS LLP
1735 Market Street
Philadelphia, PA 19103
215-772-1500

*Attorneys for Defendant
Saint Joseph's University*

Dated: September 5, 2018

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